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2016
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CLERK'S OFFICE
U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JSC

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CV 16 Case No.: 80150 MISC

IN RE: PETITION FOR JUDICIAL
ASSISTANCE FOR THE ISSUANCE OF
SUBPOENAS PURSUANT TO 28 U.S.C. §
1782 TO OBTAIN DISCOVERY FOR USE
IN A FOREIGN PROCEEDING

) DECLARATION OF TOMMY
TREMBLAY IN SUPPORT OF *EX PARTE*
APPLICATION OF DIGITAL SHAPE
TECHNOLOGIES INC. AND RADOMIR
NIKOLAJEV FOR AN ORDER
PURSUANT TO 28 U.S.C. § 1782 TO
OBTAIN DISCOVERY FOR USE IN A
FOREIGN PROCEEDING

Petitioners.

FAXED

DECLARATION OF TOMMY TREMBLAY

I, TOMMY TREMBLAY, hereby declare as follows:

3 1. I am an attorney admitted to practice law in Quebec, Canada. I am a partner at
4 Borden Ladner Gervais LLP, which serves as counsel of record for Digital Shape Technologies Inc.
5 (“DST”) and Radomir Nikolajev (collectively with DST, “Petitioners”) in *Digital Shape*
6 *Technologies Inc. and Radomir Nikolajev v. Kelly Mikulec*, Case No. 500-17-080160-131, before the
7 Quebec Superior Court, District of Montreal (the “Canadian Lawsuit”). The following is of my own
8 personal knowledge, except where otherwise indicated, and if called upon to testify as a witness, I
9 could and would competently testify thereto. I submit this declaration in support of Petitioners’
10 application for discovery from Glassdoor Inc. for use in a foreign proceeding, pursuant to 28 U.S.C.
11 § 1782.

12 2. Glassdoor is not a party to the Canadian litigation; it is a “*mise en cause*,” a non-party
13 from whom Petitioners sought discovery.

14 3. To support their damages claim, Petitioners sought documents from Glassdoor to
15 determine whether any actual or potential clients, employees, service providers, or competitors read,
16 commented on, or endorsed the posts. Petitioners initially sought such documents on a voluntary
17 basis, but Glassdoor refused to cooperate. Consequently, Petitioners filed an application with the
18 Quebec Superior Court to obtain discovery from Glassdoor. Glassdoor informed Petitioners that it
19 would not participate in the Canadian proceeding, stating that it “does not believe it is subject to
20 jurisdiction in Canada.”

21 4. The Quebec court granted the plaintiffs' application, entering a "Judgment" on June
22 16, 2016, which was rectified on June 27, 2016. A true and correct copy of the June 16, 2016
23 Quebec court Judgment is attached hereto as **Exhibit A**. A true and correct copy of the June 27,
24 2016 Quebec court Rectified Judgment is attached hereto as **Exhibit B**.

25 5. On June 27, 2016, California counsel for Petitioners emailed the Quebec court
26 Judgment and Rectified Judgment to Glassdoor's in-house counsel. A true and correct copy of these
27 emails is attached as **Exhibit C**. California counsel for Petitioners also served by U.S. mail a copy

1 of the Rectified Judgment on Glassdoor. A true and correct copy of the Rectified Judgment with
2 proof of service is attached hereto as **Exhibit D**.

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct and that this declaration was executed on July 15, 2016 at Montreal, Quebec.

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6 **TOMMY TREMBLAY**
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